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CONSTITUTIONAL GOVERNMENT IN JAPAN

Inasmuch as it is now more than thirteen years since the Constitution of Japan was promulgated,¹ and more than twelve years since the first parliamentary elections² and even since the opening of the first session of the Imperial Diet,³ it is a fitting time to consider what progress, if any, was made during the first decade of constitutional government in that empire. We often see and hear rather uncomplimentary statements about the Imperial Diet, cabinet ministers, political parties, and Japanese political affairs in general; and it is undeniably true that, viewed from the vantage ground attained by popular institutions and constitutional government in most Occidental nations, Japan is still behind. It is not, however, fair to judge her by our own standards; the only just way is to estimate carefully the difference between her former and her present conditions. What then was actually accomplished in a decade (1890-1900)?

The changes which took place in the administration have been as follows:

PREMIER.	Term of Office.	Duration.	
		Years.	Months.
Yamagata	December, 1889-April, 1891	1	5
Matsukata	May, 1891-July, 1892	1	3
Ito	August, 1892-August, 1896	4	0
Matsukata	September, 1896-December, 1897	1	3
Ito	January, 1898-June, 1898	0	6
Okuma-Itagaki	June, 1898-October, 1898	0	4
Yamagata	November, 1898-September, 1900	1	10
Ito	October, 1900-May, 1901	0	7
Katsura	June, 1901-	—	—

The average duration of the first seven ministries was about one year and a half; and the average was considerably raised by the unusual length of the Ito ministry which covered the period of the war with China, when political rivalries were buried. It should also

¹ February 11, 1889.

² July 4, 1890.

³ November 29, 1890.

be noticed that three of these ministries (both Matsukata and the second Ito) came to an end on account of collision with the Diet; and that two ministries (the first Ito and the "first Party Cabinet" of Okuma and Itagaki) were broken up by internal dissensions; while the two Yamagata ministries came to an end in a comparatively natural and peaceful manner. But, although the average duration of a Cabinet may seem short, it must be acknowledged that the record of Japan makes a very favorable showing when compared with that of France. Of the forty ministries which came into existence there from 1870 to 1900, none lasted more than twenty months, while their average duration was from five to eight months, "according to the season at which they assumed the reins of power." Thus French cabinets are much less stable than Japanese cabinets.

The dates of the opening and closing of each session of the Imperial Diet, and of suspension, reopening and dissolution were as follows:

Session.	Opened.	Suspended.	Reopened.	Dissolved.	Closed.
1.....	Nov. 29, 1890	.....	.....	.....	Mar. 8, 1891
2.....	Nov. 26, 1891	.....	.....	Dec. 25, 1891	.....
3.....	May 6, 1892	May 16.....	May 23.....	.....	June 15
4.....	Nov. 29, 1892	Jan. 23, 1893	Feb. 7.....	.....	Feb. 28
5.....	Nov. 28, 1893	Dec. 19.....	Dec. 29 ⁴	Dec. 30.....	.....
6.....	May 15, 1894	.....	.....	June 2.....	.....
7.....	Oct. 15, 1894	.....	.....	.....	Oct. 22
8.....	Dec. 24, 1894	.....	.....	.....	Mar. 25, 1895
9.....	Dec. 28, 1895	Feb. 15, 1896	Feb. 25.....	.....	Mar. 29
10.....	Dec. 25, 1896	.....	.....	.....	Mar. 25, 1897
11.....	Dec. 24, 1897	.....	.....	Dec. 25.....	.....
12.....	May 19, 1898	June 7.....	June 10.....	June 10.....	.....
13.....	Dec. 2, 1898	.....	.....	.....	Mar. 10, 1899
14.....	Nov. 22, 1899	.....	.....	.....	Feb. 24, 1900

The first date is that of the formal opening ceremony, and the last date is that of the formal closing ceremony in the cases where the session "died a natural death." This happens to be nine times out of fourteen, so that there have been just five instances of "death due to violence," or dissolution by the government (three

⁴On December 29 there was a suspension for fourteen days, but on the next day dissolution was announced.

by Ito cabinets and two by Matsukata cabinets). It should, moreover, be noted that there have been six suspensions for what the government deemed unreasonable opposition; but it is also true, though it is not shown in the table, that on a few occasions the House of Representatives suspended its own session by adjourning for a few days to give the government an opportunity to "think" and "come to terms." How successful suspension in either instance, or dissolution, proved to be, will be apparent when we take into consideration later and more in detail each session of the Imperial Diet. Here, however, it is interesting to note that during the first decade no House of Representatives was permitted to serve out its full term of four years.⁵ The members elected in the fall of 1894 enjoyed the longest continuous service, of more than three years; while the distinction of the shortest term of service rests with members elected to the Sixth and the Twelfth Diets, each of which sat in session less than one month.⁶

The following is the list of the officers of the House of Representatives:

<i>Session.</i>	<i>President.</i>	<i>Vice-President.</i>
First	Nakashima	Tsuda
Second	Nakashima	Tsuda
Third	Hoshi	Sone
Fourth	Hoshi	Sone

⁵The members elected in 1898, after the dissolution of the Twelfth Session, were so fortunate as to serve out their full term until the regular election in August, 1902. They suffered one suspension in the Fifteenth Session and lived quietly through the Sixteenth Session.

⁶We append also the record of the subsequent sessions, as follows:

SESSION.	Opened.	Suspended.	Reopened.	Closed.
15.....	December 25, 1900	February 27, 1901	March 14	March 25
16.....	November 10, 1901	.....	.....	March 10, 1902 (Dissolved)
17.....	December 9, 1902	December 16	December 28	December 28

But we take no particular notice of these sessions, not simply because they do not fall within the first decade of constitutional government in Japan, but especially because they made no contribution toward the solution of the political problems of the day. The Fifteenth Diet was once suspended on a difference of opinion with the government over the Budget, but finally became "amenable to reason." A few months later internal dissensions wrecked the Ito Cabinet, and it was succeeded by the Katsura Cabinet, which, after dissolving the Seventeenth Diet on the land tax question, still holds office.

<i>Session.</i>	<i>President.</i>	<i>Vice-President.</i>
Fifth	Kusumoto ⁷	Abei
Sixth	Kusumoto.....	Kataoka ⁸
Seventh	Kusumoto.....	Shimada
Eighth	Kusumoto.....	Shimada
Ninth	Kusumoto.....	Shimada
Tenth	Hatoyama.....	Shimada
Eleventh	Hatoyama.....	Shimada
Twelfth	Kataoka.....	Motoda
Thirteenth	Kataoka.....	Motoda
Fourteenth	Kataoka.....	Motoda ⁹

The mere names have no special significance except to indicate who have been, and are, the popular leaders. Mr. (afterwards Baron) Nakashima became Minister to Italy; Mr. Hoshi, after serving as Minister to the United States, again became a leader in the lower house and for a short time a Minister of State, but was assassinated in 1901; Mr. Sone has served as Minister to France, Minister of Agriculture and Commerce, and of Justice, and is now Finance Minister; while Messrs. Kataoka, Shimada, Motoda and Hatoyama are still leading members of the lower house. It is not necessary to state the party affiliations of these officers, because, in most instances, personal popularity or acknowledged ability was an important element in the election. In some cases also, small factions, holding the balance of power, have cast their votes with the minority; or, to use an American political expression, the "field" has been able to combine against the most prominent candidate.

In the fourth table there are not so many changes, because the officers of the House of Peers (nominated by the emperor), hold office for seven years. There were, however, a few changes, due to the transfer of an official to another position; the only regular elections were in the First and the Tenth Sessions.

<i>Session.</i>	<i>President.</i>	<i>Vice-President.</i>
First	Count Ito.....	Count Higashikuse
Second	Marquis Hachisuka.....	Mr. Hosokawa
Fifth .....	.....	Marquis Saionji
Sixth .....	.....	Marquis Kuroda ⁹
Tenth	Prince Konoye ¹⁰.....	.....

⁷First elected Vice-President to succeed Mr. Sone.

⁸Served also in the Fifteenth and Sixteenth Sessions; re-elected in the Seventeenth Session.

⁹Re-elected in 1901.

¹⁰Re-elected in 1902.

Although the Privy Council is only a deliberative body, and "shall not interfere with the executive," yet, as "the Emperor's highest resort of counsel," it is practically a body of great importance, especially in connection with the formation of new Cabinets. Its presidents, who are Imperial appointees, were (from 1890 to 1900) Count (now Marquis) Ito, Count Oki (deceased) and Count Kuroda (deceased).

A little more detailed investigation of each session of the Imperial Diet will be profitable. It was feared by many that the First Session would develop such antagonism between the government and the Diet as to lead to a serious rupture; but such an unfortunate outcome was averted by tact on both sides. The House of Peers was composed of 252 members, as follows: 10 imperial princes, 10 princes and 21 marquises, having a hereditary tenure of office; 16 counts, 70 viscounts and 22 barons, elected by "the members of their respective orders;" forty-four persons chosen from among and by the highest taxpayers in each imperial city (*fu*) and prefecture (*ken*); and fifty-nine persons, nominated by the emperor on account of meritorious services. Some of these members were incapables, possessing no merit save their rank; some were merchants, whose wealth was their only qualification; some among those appointed for erudition were mere book-worms without knowledge of political science. A curious paragraph, occurring now and then in the newspapers of that time, informed the public that a certain number of men, members of the House of Peers, "had formed an organization for the purpose of investigating the manner of studying political questions!" Nor was this so strange; for as representative institutions in Japan were but in their infancy, it would, of course, be unreasonable to expect the First Diet to be composed largely of tried and experienced legislators. But it is only fair to add that in both houses there were many veteran statesmen and well-versed young politicians, and that the House of Peers has since been steadily growing in reputation and influence. The House of Representatives consisted of an even 300 members, who had a great variety of professions and showed great differences in personal ability and experience. The old *samurai* (gentry) class had 109, and the *heimin* (commonalty) class had 191 representatives.

It was on December 2, 1890, that the House of Peers had the

honor of receiving the first bill ever presented to a National Assembly in Japan—a “bill for the amendment and control of the system of weights and measures.” It was on December 4 that Count Matsukata, Minister of Finance, laid before the House of Representatives the first Budget, over which ensued a prolonged and bitter discussion. The government asked for the sums of 70,800,311 *yen* for “ordinary expenditures,” and 23,204,082 *yen* for “extraordinary expenditures.” The Budget Committee of the House recommended a reduction of about 7,840,000 *yen*; the “Moderates” proposed to reduce 5,000,000 or 6,000,000 *yen*. At one time it looked as if the “Radicals” would surely win and thus provoke the government to dissolve the House of Representatives; but finally a compromise was effected, by which the government consented to a reduction of about 6,500,000 *yen*.

Other important measures passed by the Diet were bills for opening additional ports, for postponement of the operation of the Commercial Code, for reforming weights and measures according to the metric system. One bill, passed by the lower house, but not reached in the upper house, was for the reduction of the land tax.

The Second Session was almost entirely consumed in a bitter fight over the Budget. Fortunately, the appropriation of \$500,000 for the Columbian Exposition in Chicago was put through by itself in a supplementary budget. Vain attempts were made to amend the publication regulations, the law for public assembly, and other regulations, in a way to grant greater freedom of the press and liberty of speech. The main strength of the Opposition, which had a good working majority, was spent upon reductions of the Budget; and the government, insisting that the reductions proposed were too drastic for administrative purposes, finally dissolved the lower house on Christmas Day.

The Third Session, which was a Special Session, necessitated by the dissolution of the previous regular session, was marked by two conflicts: one between the lower house and the government on the subject of interference in the election of members of that house; and one between the two houses with reference to the respective powers of deliberation and consent in respect to the Budget. In the former case, as the House by a large majority passed a representation arraigning the government for improper interference in the February elections, the session was suspended

for one week. The dispute between the two houses arose from the fact that the House of Peers made amendments in the Budget sent up from the House of Representatives by restoring some items expunged by the latter. The majority of the representatives contended that the House of Peers, though competent to diminish or expunge items, exceeded its authority when it inserted items, because, according to the constitution, the Budget must originate with the executive, and any new item must be submitted first to the lower house. The upper house, however, insisted that it had equal rights of amendment with the lower house, and not only sent its amended Budget down a second time, but also voted an address to the throne on the question at issue. The Emperor, having consulted the Privy Council, decided that "neither house is superior or inferior to the other except . . . that . . . the lower house receives the Budget from the government before the upper." The particular points at issue between the two houses were afterwards settled by compromise, and the Budget was finally passed on the last day of the session. But once again several important measures failed to get through both houses. In July the Matsukata Cabinet resigned, and was succeeded by an Ito ministry.

The apparently inevitable conflict between the Diet and the government was continued in the Fourth Session, when it took the form of a dispute over what the constitution terms "fixed expenditures," and says "shall be neither rejected nor reduced by the Imperial Diet, without the concurrence of the government." The lower house called for large reductions especially in naval expenditures; but the government refused to entertain the idea, although the Opposition mustered a large majority. Even after the government, by suspending the House had given an opportunity for calm reflection, the Opposition vehemently continued the fight and finally carried by the sweeping majority of seventy-eight an address to the throne impeaching the Cabinet. The Emperor, with the advice of the Privy Council, having carefully considered the situation, critical in the extreme, issued a conciliatory and compromise message, in which he skillfully balanced the censure and the praise on each side and closed by donating 10 per cent of the Imperial Household Allowance,¹¹ and by directing all civil and military officials (with certain exceptions) to give the same per cent of their salaries, for

¹¹ Then 3,000,000 yen.

six years, to the fund for building men-of-war. The total sum thus obtained was from 2,000,000 to 3,000,000 *yen*.

This spirit of compromise was still further carried out in the remainder of the Budget, which was reduced by about 3,750,000 *yen* on its expense side. The Fourth Diet also passed three important bills, marking long steps in advance in the path of popular rights; these bills effected most desirable amendments in the copyright law, the publication regulations, and the law of public meeting and political association.

In the Fifth Session, Mr. Hoshi, president of the lower house, was accused of unprofessional conduct as a lawyer and of having abused his official position in the interests of certain legislation, and finally not only deposed from office, but also expelled from membership. Later a conflict arose between the House of Commons and the government on the subject of the strict enforcement of the treaties, and led to a suspension for ten days. When the House reassembled, it was deemed by the government to be in the same unconciliatory mood, and was again suspended for two weeks. The following day, however, dissolution was ordered, so that practically nothing of importance was accomplished in that session.

The Sixth Session was short-lived and came to an untimely end, because the House of Representatives passed an address to the throne, impeaching the Cabinet. By this time the situation had become very critical; the Ito ministry stood firm, and the Opposition were aroused by two dissolutions within six months; so that the harmonious co-operation of the legislative and the executive departments appeared almost an impossibility. At this juncture, the war with China broke out and temporarily cleared the political atmosphere. There were, indeed, those who claimed that the ministry was not averse to a war which should divert the minds of the people from politics and unite the nation in a common patriotic cause.

Consequently, when the Seventh (Extraordinary) Session was convened at Hiroshima in October, 1894, it took only a few days to get organized and vote, with unanimity, an appropriation of 150,000,000 *yen* for carrying on the war.

The Eighth Session, which met at the regular time two months later, also passed the Budget with absolute unanimity, and sank all party differences in an earnest effort to support the government in the prosecution of the war.

But a year later, when the Ninth Session met, partisan feelings were again aroused in connection with post-bellum measures, and finally resulted, in the House of Representatives, in a resolution of want of confidence in the Cabinet. This was met by a suspension for ten days, after which that resolution was voted down. This result was due to a coalition between the Cabinet and the Liberal Party (*Jiyuto*), the first in the history of constitutional government in Japan. In accordance with the terms of this alliance, the Liberal leader, Count Itagaki, and other Liberal politicians, were admitted into the Cabinet. But this coalition ministry was soon broken up by internal discussions; and Count Matsukata, with the aid of Count Okuma and the Progressives, organized the next ministry.

When the Tenth Session of the Diet began, it was supposed that the new Cabinet was in a minority in the lower house; but it soon gained the support of a good working majority and put through its measures with remarkable ease and celerity. Although the session was interrupted by frequent recesses on account of the death and funeral of the Empress Dowager, a great deal was accomplished. A national taxation law, a new tariff law, the adoption of the gold standard, a radical revision of the press law and the law of public meetings in the interests of larger freedom, and the Budget, were among the very important measures carried through both houses.

But one year later, when the Eleventh Session was opened, the condition had so materially changed that a resolution of want of confidence in the Cabinet was able to command a good majority, and was on the point of being voted on the second day of the session, when the ministry forced a "dissolution" and then itself resigned. In the following month Marquis Ito was again at the helm, with a Cabinet supposed to be able to command the support of the Liberals.

The Twelfth (Special) Session, however, was not of very long duration. The bone of contention was the subject of taxation: the ministry wished to obtain a larger amount of revenue by increasing the Land Tax; but the Liberals, who in the first few sessions of the Diet had been ardent supporters of a reduction of that tax, did not dare to put themselves in an apparently inconsistent position. The result was that the government was unable to get many supporters

for its bill, and, after one suspension, again resorted to dissolution, in less than six months after the previous one, and then, like the preceding Cabinet, resigned office. Although this sudden end of the session found some important measures left on the docket, yet the income-tax law, the naturalization law, and the revised Civil Code were fortunate enough to get through both houses.

The Okuma-Itagaki "party-cabinet," organized with the support of the new Constitutional Party, formed by the amalgamation of the opposition parties and factions, was soon broken up by internal dissensions; and the new party itself, because it was not a real union but only an amalgamation, was rent in pieces. But the temporary alliance had served its purpose of establishing the principle of "party cabinets;" so that, when the Yamagata ministry was organized, theoretically as a "neutral cabinet," it found itself compelled to make an informal alliance with the Liberals.

The result was that the Thirteenth Session of the Diet was harmonious and "unusually fruitful of legislative works," as one vernacular journal expressed it in its English column. The chief failure of this session was the inability of the two houses to agree upon a new law of election, by which the right of franchise should be largely extended by diminishing the age limit and amount of property qualification. But many important measures were carried through, such as a reform of the local government system, the amendment of the code of criminal procedure, the increase of the land-tax and a Budget calling for *yen* 246,451,706 of expenditures. It is interesting, by the way, to compare these figures with those of the Budget presented at the First Session in 1890, and thus to get a very striking object lesson of the tremendous development of Japan.

The Fourteenth Session was a very tame one, but was distinguished by success in passing a new election law. By this law the membership of the House of Representatives was increased to 376; the districts were rearranged to give urban populations a more adequate representation; the plan of unsigned uninominal ballots was adopted; the limits of an electoral district were extended to include a whole prefecture, except in the cases of urban districts; and the property and age qualifications were reduced, so that the electoral franchise was largely extended.¹²

¹²There are now over 1,000,000 voters in parliamentary elections.

The progress made during the first decade of constitutional government in Japan was considerable. In the first place, popular rights were largely expanded by the removal of most of the restrictions on freedom of the press and public meeting; as much extension of the electoral franchise as seems warranted was accomplished; and popular opinion, as voiced in the newspapers and magazines, was wielding an increased and constantly increasing influence. On this point it has been well said that "no one who goes into the country and compares the present degree of the people's political education with what it was ten years ago, can fail to be struck by the immense progress achieved during that interval."

In the second place, the character of the two houses of the Imperial Diet greatly improved. The inexperienced have given way to the experienced; the ignorant to the intelligent; so that, after six elections, the personnel of the House of Representatives was of a much better quality; and the House of Peers, too, in ten years had been somewhat quickened by the infusion of new blood. As usual, experience had been a good teacher.

In the third place, the Cabinet, theoretically responsible to the Emperor because appointed by him on his own sole authority, is practically responsible to the Imperial Diet and must command the support of a majority of that body. Hereafter, it would seem, dissolution of the Diet is not likely to occur as often as dissolution of the Cabinet. The one weak point in this situation is that although the principle of party cabinets is thus established, its practical application is difficult of realization, simply because there are no true political parties in Japan. There are many so-called "parties" which are really only factions, bound together by personal, class, geographical or mercantile ties, and without distinctive principles. One party is actually Count Okuma's following; another is Marquis Ito's; another is called "the business men's party"; and still another tries to maintain the old clan alliances.

But it is, nevertheless, true that "Japan is at length passing out of the epoch of persons and entering the era of principles," when, of course, will speedily come the development of parties. It is not, perhaps, strange that the personality of the great statesmen who made New Japan possible has been felt for so long a time, nor that the able men of the rising generation have begun to chafe a little under the prolonged control of those older statesmen. But, as one

writer has said, "The conflict between the old and the new elements of political power, the so-called clan statesmen and the party politicians, has been so far removed that the time is already in sight when the country will see them working harmoniously under the same banner and with the same platform." Such is apparently the case in the Seiyukwai, Marquis Ito's party, organized in 1900, the closing year of the first decade of Japanese constitutionalism. And this problem of political parties is the great one to be solved in the second decade, or period, of constitutional government in Japan.

We may, therefore, conclude that the working of the new system of government has, on the whole, been satisfactory. We must, of course, acknowledge that "it would be altogether extravagant to expect that Japan's new constitutional garments should fit her perfectly from the first. They are too large for her. She has to grow into them, and of course the process is destined to be more or less awkward." We must agree with Marquis Ito, the author of the constitution, not only that there has been an experimental period, but also that "excellent results have thus far been obtained, when it is remembered how sudden has been the transition from feudalism to representative institutions." We ought, indeed, to bear in mind that, when the constitution was promulgated in 1889, Japan was only eighteen years out of feudalism and twenty-one years out of military despotism; so that, whether we take the Oriental or the Occidental reckoning of "majority," New Japan had only just come "of age" politically. It would seem, then, as if Japan is deserving of the greatest credit for what was accomplished in the first decade of constitutional government.

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